

MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 13, 2002  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
19925 TWENTY-THREE MILE ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
NORMAN J. SNAY, CLERK  
MARIE E. MALBURG, TREASURER

TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
KENNETH MEERSCHAERT, JR.  
CHARLES OLIVER

Also in attendance Lawrence Dloski, Township Attorney  
James Van Tiflin, Spalding DeDecker & Associates  
(Attendance record on file with Clerk.)

ABSENT: NONE

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Clerk SNAY called roll. All present

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA ITEMS.

Additions:

- 24a. Knights of Columbus; St. Isidore Council #7200 Tootsie Roll Drive.
- 24b. Recommendation of appointment to fill Clerk's position.
- 24c. Request from Building & Parks and Recreation Department to sell Dakota pickup.

Deletions:

- 15. Request to rescind Final Plat for Winding Creek Subdivision, deleted as requested by the petitioner.

**MOTION by DUNN seconded by MALBURG to approve agenda as amended.**

**MOTION carried.**

4. APPROVAL OF BILLS.

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**MOTION by DUNN seconded by BUCCI to authorize payment of bills as submitted.**

**FOR THIS MOTION: DUNN, BUCCI, OLIVER, MEERSCHART, MALBURG, SNAY, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

5. APPROVAL OF MEETING MINUTES

**MOTION by DUNN seconded by OLIVER to approve minutes of January 23, 2002 as presented.**

**MOTION carried.**

6. Public Comments (Non Agenda items only – 3 minutes time limit)

Clerk SNAY introduced to the Board and audience Garrett Murray and Chris Gruendner from Boy Scout Troop 149 in attendance to earn their government and communications badges.

Garrett Murray and Chris Gruendner came forward and presented Clerk SNAY with a plaque of appreciation for all his help over the years with the Boy Scouts.

Public Comments: None

**PLANNING COMMISSION:**

7. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located east of Luchtman Road and ½ mile south of 26 Mile Road; Section 4. Gerald and Michele Penzien, Petitioners. Permanent Parcel No. 08-04-100-027.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to approve.

Public Portion: None

**MOTION by OLIVER seconded by MEERSCHAERT to grant the rezoning of Permanent Parcel No. 08-04-100-027 from Agricultural (AG) to Residential Urban One Family (R-1).**

**MOTION carried.**

8. Tentative Preliminary Plat; Brook Run West Subdivision; (8 lots); Located approximately 900 feet north of 22 Mile Road and approximately 500 feet west of Romeo Plank Road; Section 20. GTR Builders, Petitioner. Permanent Parcel No. 08-21-301-002. (Tabled from the meeting of 8-7-01).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to deny the

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request since stub streets are not provided to the east or the north and the block between Zoe Drive and Carles Drive is less than 500 feet.

Petitioner Present: Bob Kirk

Board discussion was held regarding the design of the submitted plat and alternative options available in order to comply with required ordinance.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to follow the recommendation of the Planning Commission and deny the request.**

**MOTION carried.**

9. Request for Extension of Tentative Preliminary Plat; Quadrate Industrial Subdivision Phase II; Located south of 23 Mile Road and approximately 2600 feet east of Hayes Road. Section 18. Quadrate Development, LLC, Petitioner. Permanent Parcel No. 08-18-400-006.

Mr. Bernard Lynden, Planning Consultant, reviewed the request and stated the recommendation of the Planning Commission to approve the extension to expire January 29, 2003.

Public Portion: None

**MOTION by OLIVER seconded by MEERSCHAERT to grant the extension of time; Tentative Preliminary Plat for Quadrate Industrial Subdivision Phase II to expire January 29, 2003.**

**MOTION carried.**

10. Request for Extension of Final Preliminary Plat; Cornerstone Village Subdivision Phase 6; (123 lots); Located on the south side of 22 Mile Road and west of Card Road (not including the immediate corner); Section 27. Cornerstone Village Associates, Petitioner. Permanent Parcel No. 08-27-200-017.

Mr. Bernard Lynden, Planning Consultant, reviewed the request and stated the recommendation of the Planning Commission to approve the extension to expire January 9, 2003.

Public Portion: None

**MOTION by MEERSCHAERT seconded by MALBURG to grant the extension of time; Final Preliminary Plat for Cornerstone Village Subdivision Phase 6 to expire January 9, 2003.**

**MOTION carried.**

11. Request for Extension of Tentative Preliminary Plat; Turnberry Pointe Subdivision; Located 430 feet west of Romeo Plank and 330 feet south of 22 Mile Road; (extension of Turnberry Subdivision); Section 29. Paul Henderson, Petitioner. Permanent Parcel No. 08-29-226-021.

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Mr. Bernard Lynden, Planning Consultant, reviewed the request and stated the recommendation of the Planning Commission to approve the extension to expire March 14, 2003.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to grant the extension of time; Tentative Preliminary Plat for Turnberry Pointe Subdivision to expire March 14, 2003.**

**MOTION carried.**

12. Request for Extension of Tentative Preliminary Plat; Adrienne Estates Subdivision No.2; Located approximately 1300 feet south of 22 Mile Road and approximately 711 feet east of Heydenreich Road; Section 34. GTR Builders, Petitioner. Permanent Parcel No. 08-34-151-014.

Mr. Bernard Lynden, Planning Consultant, reviewed the request and stated the recommendation of the Planning Commission to approve the extension to expire March 14, 2003.

Petitioner Present: Bob Kirk

Public Portion: None

**MOTION by MEERSCHAERT seconded by DUNN to grant the extension of time; Tentative Preliminary Plat for Adrienne Estates Subdivision No. 2 to expire March 14, 2003.**

**MOTION carried.**

13. Rezoning Request; Residential Urban One Family (R-1) to Office Low Rise (O-1); Located east of Romeo Plank and approximately 600 feet north of 22 Mile Road; Section 20. GTR Builders, Petitioner. Permanent Parcel No. 08-20-426-012.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to deny the rezoning for the following reasons:

1. The proposed rezoning is inconsistent with the goals of the Master Plan.
2. The proposed rezoning is inconsistent with the development of the surrounding properties.
3. The indiscriminate rezoning of property for non residential uses in a residential area could set a precedence for development in the Township.

Petitioner Present: Bob Kirk

Public Portion: None

**MOTION by DUNN seconded by OLIVER to follow the recommendation of the Planning Commission and deny the rezoning of Permanent Parcel No. 08-20-426-012 from Residential Urban One Family (R-1) to Office Low Rise (O-1).**

**MOTION carried.**

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14. Rezoning Request; Residential Urban One Family (R-1) to Multiple Family Low Density (R-2-L); Located west of Romeo Plank and approximately ¼ mile north of 22 Mile Road; Section 20. GTR Builders, Petitioner. Permanent Parcel No. 08-20-426-003.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to deny the rezoning for the reason being that the proposed rezoning does not meet the goals of the Master Plan.

Petitioner Present: Bob Kirk

Public discussion was held regarding numerous concerns with proposed rezoning abutting his property (R-1). A petition opposing the rezoning was submitted to the Board from residents of Willowood Subdivision.

Board discussion was held regarding legal counsel's review of the matter.

**MOTION by OLIVER seconded by MALBURG to follow the recommendation of the Planning Commission to deny the rezoning of Permanent Parcel No. 08-20-426-012 from Residential Urban One Family (R-1) to Office Low Rise (O-1).**

**MOTION carried.**

15. Request to rescind the Final Plat for Winding Creek Subdivision; Pulte Land Development, Petitioner.

Deleted as requested by the petitioner.

**NEW BUSINESS:**

16. Temporary Certificate of Occupancy; Imperial Cabinets Mfg. Inc., Located north of 23 Mile Road and approximately 2400 feet west of Romeo Plank Road; Section 17. Imperial Cabinets Mfg. Inc., Petitioner. (Tabled from the meeting of 1-23-02).

Supervisor BRENNAN reviewed the request and stated the petitioner had notified him that he would not be able to attend the meeting due to an emergency.

Bob Beckett, Building Official, reviewed the status of a current inspection done on the site and stated his recommendation to approve through June of 2002.

Petitioner Present: None

Public Portion: None

**MOTION by DUNN seconded by MEERSCHAERT to grant the Temporary Certificate of Occupancy for Imperial Cabinets Mfg. Inc., to expire June 30<sup>th</sup>, 2002 contingent upon the posting of a bond in an amount to be determined by the Township Engineers and that all site improvements stated by the Building Department be completed within the approval period.**

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**MOTION carried.**

17. Request for Variance; Grading Ordinance; Emerald Green Subdivision; Section 5. Lehner & Associates, Petitioner.

Supervisor BRENNAN stated reviews had been submitted by the Township Departments and reviewed the recommendation to deny submitted by the Township Engineers.

Jim VanTiflin, of Spalding DeDecker reviewed his recommendation to deny.

Public Portion: None

**MOTION by OLIVER seconded by DUNN to deny the request for a Variance; Grading Ordinance; Emerald Green Subdivision; Lehner & Associates, Petitioner.**

**MOTION carried.**

18. Request to Purchase Election Equipment.

Michael Koehs, Deputy Clerk, reviewed the request and stated the additional purchase will fulfill the number of machines needed by the Township.

Public Portion: None

**MOTION by SNAY seconded by MEERSCHAERT to approve the purchase of four (4) tabulators and four (4) tabulator cases for the total cost of twenty two thousand three hundred and fifty six dollars (\$22,356.00).**

**MOTION carried.**

19. Release of Model Permit Bonds; Lakeside Landings Subdivision; Lots 46 & 47; Section 31. Nicholas Homes, Inc., Petitioner.

Supervisor BRENNAN stated the necessary Departments had reviewed the request and were recommending approval.

**MOTION by MEERSCHAERT seconded by MALBURG to authorize the release of the Subdivision Model Permit Bond for lot numbers 46; 16226 Angora Lane and 47; 16234 Angora Lane located within the Lakeside Landings Subdivision; Nicholas Homes, Inc. in the amount of seven thousand five hundred dollars and 00/100 (\$7,500.00) per model.**

**MOTION carried.**

20. Request for Authorization for Spalding DeDecker & Associates to apply to the Department of Environmental Quality and the Macomb County Drain Commission for improvements to the Hammond Drain; Section 9, Master Plan Improvements.

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Supervisor BRENNAN reviewed the request and stated the permit is a requirement to move forward with the development within Section 9.

Board discussion was held regarding what drain within the area is being proposed.

Public Portion: None

**MOTION by DUNN seconded by MEERSCHART to grant the authorization for Spalding DeDecker & Associates to apply to the Department of Environmental Quality and the Macomb County Drain Commission for improvements to the Hammond Drain; Section 9. Master Plan Improvements.**

**MOTION carried.**

**FIRE DEPARTMENT:**

21. Recommendation by Fire Chief to Township Board regarding status of probationary personnel.

Supervisor BRENNAN stated that a probationary Fire Fighter is in attendance and asked if the Fire Fighter would like this matter to be handled in an open or closed forum.

Chief Ahonen reviewed the request and stated the following recommendations to the status of full fledged Macomb Township Fire Fighters:

Greggory Burks  
Robert Fick  
Paul Grabowski  
Brian Henson  
David Novak  
James Rogers  
Geoffry Smith

Ms. Wendy Pereny asked the Board to deny the request as recommended and stated numerous concerns regarding her being asked to resign from the department.

Larry Dloski, Township Attorney, reviewed the provisions of the MAFF (Michigan Association of Fire Fighers) contract.

Board discussion was held regarding employee evaluations, and if evaluations were held with Ms. Pereny.

Public Portion: None

**MOTION by OLIVER seconded by DUNN to follow the recommendations of Chief Ahonen and promote the following to the status of Macomb Township Fire Fighters:**

**Greggory Burks  
Robert Fick  
Paul Grabowski**

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**Brian Henson  
David Novak  
James Rogers  
Geoffry Smith**

**6 Members in favor  
1 Member opposed**

**MOTION carried.**

**WATER/SEWER DEPARTMENT:**

22. Easement Encroachment Agreement, Candee M. Sanders, 54946 Penzien Drive, Macomb MI 48042, Lot #2, Penzien Farms Subdivision.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool walk, retainer wall and fence and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

**MOTION by OLIVER seconded by MEERSCHAERT to grant an Easement Encroachment Agreement for a pool walk/retainer wall and fence for Lot #2; 54946 Penzien Drive in the Penzien Farms Subdivision.**

**MOTION carried.**

23. Approval of Purchase Requisition:  
a. SLC Meter Service

David Koss, Water/Sewer Superintendent, reviewed the purchase requisitions and stated his recommendation to approve.

Public Portion: None

**MOTION by MEERSCHAERT seconded by MALBURG to authorize the payment of the purchase requisition to SLC Meter Service for the total amount of seventy two thousand six hundred twenty five dollars and 00/100 (\$72,625.00).**

**MOTION carried.**

**BOARD COMMENTS:**

24. Supervisor's Comments  
24a. Knights of Columbus; St. Isidore Council #7200 Tootsie Roll Drive.

Supervisor BRENNAN reviewed the request.



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**MOTION by SNAY seconded by MEERSCHAERT to grant the request for the Knight of Columbus; St. Isidore Council #7200 hold the annual Tootsie Roll Drive within the Township from March 22 through the 24<sup>th</sup>, 2002, as submitted; this approval does not authorize sales within the road right-of-way.**

**MOTION carried.**

24b. Recommendation of appointment to fill Clerk's position.

Clerk SNAY stated his recommendation of Michael D. Koehs, Macomb Township Deputy Clerk to fill the Clerk vacancy until the upcoming elections and to fill the Secretary position on the Planning Commission.

Supervisor BRENNAN stated his support.

Clerk, Terri Kowal and Deputy Clerk, Cheryl Arft of Shelby Township were in attendance to show their congratulations to Clerk Snay and support to Michael Koehs, Deputy Clerk.

Chief Ahonen stated his support.

**MOTION by MEERSCHAERT seconded by OLIVER to appoint Michael D. Koehs to fill the position of Township Clerk effective March 1<sup>st</sup>, 2002.**

**MOTION carried.**

**MOTION by DUNN seconded by MEERSCHAERT to authorize Michael D. Koehs to fill Clerk Snay's position on the Planning Commission.**

**MOTION carried.**

Clerk SNAY requested the honor at the next board meeting to swear Mr. Michael Koehs in as Clerk.

24c. Request from Building & Parks and Recreation Department to sell Dakota pickup.

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by OLIVER seconded by MEERSCHAERT to sell the Dakota pickup in "as is condition".**

**MOTION carried.**

25. Clerk's Comments

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Clerk SNAY thanked Terry Kowal, Clerk of Shelby Township, for her support and wished Michael Koehs "Good Luck". Mr. Snay also thanked the people of this township for their support and tremendous efforts over the years. Snay concluded stating what an honor it has been to serve the community as Clerk.

26. Treasurer's Comments

None

27. Trustee's Comments

Trustee OLIVER inquired about sidewalks at the McDonalds located on Gratiot.

**MOTION by OLIVER seconded by MEERSCHAERT to adjourn into Executive Session at 8:03 P.M.**

**MOTION carried.**

Meeting reconvened at 9:38 p.m.

**EXECUTIVE SESSION:**

28. Grand Sakwa v Macomb Township

**MOTION by DUNN seconded by OLIVER not to proceed with the interlocutory appeal of Judge Donofrio's decision.**

**FOR THIS MOTION: DUNN, OLIVER, BUCCI, MEERSCHAERT, MALBURG, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**OBSTAIN: SNAY**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by MEERSCHART seconded by BUCCI to adjourn the meeting at 9:39 P.M.**

**MOTION carried.**

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John D. Brennan, Supervisor

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Norm J. Snay, Clerk

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Eva M. Mayer, Recording Secretary

EMM